THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.23053 of 2003

Dated: 07th September, 2006

Between:

S.Sudhakar. **…..PETITIONER**

AND

The Executive Director,
A.P.S.R.T.C, Karimnagar Zone,
Karimnagar & 2 others. **….RESPONDENTS**

THE HONOURABLE SRI JUSTICE
N.V.RAMANA

W.P.No.23053 of 2003

ORDER:

The petitioner filed this writ petition questioning the action of the respondent Corporation in regularizing his services only from 1-12-1997 and not from the date of his initial appointment i.e., from 23-3-1989, the day the petitioner joined the corporation as Casual Painter, or from 10-12-1993, the day the petitioner was appointed afresh by the 2nd respondent and declare the same as illegal, contrary to law and discriminatory, and consequently direct the respondents to grant all consequential benefits.

The petitioner on 23-3-1989 joined the respondent corporation as Casual Painter on daily wages at Sircilla Depot and continued as such till he was removed from service on 21-9-1992. He was again taken back into service as a fresh Casual Painter on daily wages at Korutla Depot by the 2nd respondent by proceedings dated 25-11-1993 and was subsequently transferred to Jagtial Depot. While so, the Chief Personal Officer, Hyderabad addressed a letter dated 10-12-1997 to the 2nd respondent/Regional Manager, Karimnagar advising to

regularize the services of the petitioner. The 2nd respondent accordingly has issued orders dated 12-2-1998 regularising the services of the petitioner.

The petitioner after receiving the regularization order made a representation to the 3rd respondent/Personnel Officer, Karimnagar seeking to review his case for regularization from 1990, as he has completed 240 days during the year 1990, and his juniors, namely Sri B.Maheshwar, E.No.318772 of Korutla Depot and Sri S.Mallesh, E.No.318775 of Godavarikhani Depot were regularized with effect from 26-6-1991, but till today respondents have not taken any action.

It is the grievance of the petitioner that the respondent corporation instead of regularizing his services from the date of his initial appointment i.e., from 23-3-1989 or from the date of his appointment as a fresh Casual Painter i.e., from 100-12-1993, has regularized his services from 1-12-1997 though the juniors of the petitioner, namely Sri B.Maheshwar, E.No.318772 of Korutla Depot and Sri S.Mallesh, E.No.318775 of Godavarikhani Depot were regularized with effect from 26-6-1991, and such action of the respondent Corporation is contrary to the law laid down by the apex Court in ***Divisional Manager, APSRTC and others Vs. P.Lakshmoji Rao and others***[1]***.***

Heard the learned counsel for the petitioner as also the learned Standing Counsel for the respondent Corporation and perused the judgment of the apex Court in ***Divisional Manager, APSRTC and others*** supra***.***

It is seen from the judgment supra, the apex Court holding that the respondent-employees have failed to establish their legal right to

get the status of regular employees right from the date of their initial appointment on daily wage basis and the respective dates of regularization assigned to the respondents cannot be legally faulted, directed the appellant Corporation therein as under:

> "If any of the Conductors, junior to the respondents in the relevant seniority list of the concerned Division/Region, have got the benefit of seniority and regularization OR are entitled to get the same by virtue of the judgments that have become final, then the respondents who are seniors to them, shall be given the same benefit on the same principle."

The above extracted portion of the judgment of the apex Court makes it clear that it is applicable to the case on hand for the juniors of the petitioner were regularized prior to the regularization of the petitioner. However, inasmuch as it is submitted by the learned counsel for the petitioner that the representation dated 27-5-1999 made to the 3rd respondent/Personnel Officer, Karimnagar is pending consideration, and as both the counsel agreed to dispose of the writ petition, I deem it appropriate to dispose of the writ petition with the directions as under:

If the petitioner had filed representation dated 25-7-1999 before him, the 3rd respondent/Personnel Officer, A.P.S.R.T.C, Karimnagar Region, Karimnagar is directed to consider and pass appropriate orders, in accordance with law, expeditiously in the light of the Judgment of the apex Court in ***Divisional Manager, APSRTC and others Vs. P.Lakshmoji Rao and others*** Supra.

Writ Petition is accordingly disposed of. No costs.

(N.V. RAMANA, J.)

Date:07th September, 2006.

GRK

There was an observation by the apex Court that W.P.No.26111 of 1998 was disposed of by the learned Single Judge directing to regularize the services of the employees from the date of initial appointment purportedly following the decision of Division Bench in SRTC Vs. P.T.Rao and others, but in fact there is no concession on merits in that case.

The apex Court while holding that the respondent employees have failed to establish their legal right to get the status of regular employees right fronm the dte of their initial appointment on daily wage basis and the respective dtes of regularization assigned to the respondents cannot be legally faulted, moulded the relief in modifiction of the directions given in the judgments under appeal and directed as under:

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[1] 2004 (3) ALD 1 (SC)